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| YOUNG & THOMPSON | | | GUPTA, PARUL H | |
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DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/628,230 | KURODA ET AL. |
| | Examiner Parul Gupta | Art Unit 2627 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are pending for examination as interpreted by the examiner. The amendment filed on 10/19/06 was considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al., US Patent 6,320,829 in view of Ichimura et al., US Patent 6,034,832.

Regarding claim 1, Matsumoto et al. teaches an information generating apparatus, comprising: a control information embedding device (column 3, lines 22-25) for embedding permission control information to in video information included in recording information as watermarks (column 2, lines 39-50), wherein the control information embedding device further adds copy restriction information to the recording information (column 2, lines 39-43), the copy restriction information restricting copying of the recording information for each of the regions after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura

et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 3, Matsumoto et al. teaches the information generating apparatus according to claim 1, wherein; the permission control information and the copy restriction information include correlation information having a correlation for preventing tampering (column 3, lines 8-17).

Regarding claim 4, Matsumoto et al. teaches the information generating apparatus according to claim 1, wherein; the permission control information further includes period information indicating a period for permitting at least one of recording or reproduction of the recording information (column 15, lines 1-15).

Regarding claim 5, Matsumoto et al. teaches an information reproducing apparatus for reproducing the recording information outputted with addition of permission control information and copy restriction information (column 3, lines 18-34), the copy restriction information restricting copying of the recording information after the recording information is recorded (column 2, lines 58-62), the recording information including unit copy restriction information for each unit of predetermined information, the information reproducing apparatus, comprising: a first extracting device for extracting the unit copy restriction information from the recording information (done by the “output control device” as explained in column 3, lines 64-67), a second extracting device for extracting the copy restriction information from the recording information (done by “electronic watermark information judging device” as explained in column 3, lines 60-64 and column 4, lines 36-40), a detecting device for detecting whether or not contents of the extracted unit copy restriction information and contents of the extracted copy restriction information coincide with each other (done by element 43 of figure 4 and explained

in column 4, lines 1-6), and a reproduction control device for prohibiting reproduction of the recording information when the contents of the extracted unit copy restriction information and the contents of the copy restriction information do not coincide with each other (done by element 43 of figure 4 and explained in column 4, lines 1-6). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 6, Matsumoto et al. teaches an information reproducing apparatus for reproducing recording information outputted with addition of permission control information and copy restriction information (column 3, lines 18-34 and column 4, lines 36-40, respectively), the permission control information including correlation information having a correlation for preventing tampering (inherent to copy prevention methods), the copy restriction information including the correlation information and restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40), the information reproducing apparatus, comprising: a first extracting device for extracting the permission control information from the recording information (done by the "output control device" as explained in column 3, lines 64-67), the permission control information being embedded in video information as watermarks (column 2, lines 39-50), a second extracting device for extracting the copy restriction information from the recording information (done by

"electronic watermark information judging device" as explained in column 3, lines 60-64 and column 4, lines 36-40), a detecting device for detecting presence or absence of tampering based on the correlation information included in the extracted permission control information and the extracted copy restriction information (done by element 43 of figure 4 and explained in column 4, lines 1-6), and a reproduction control device for prohibiting reproduction of the recording information when tampering is detected by the detecting device (done by element 43 of figure 4 and explained in column 4, lines 1-6). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 7, Matsumoto et al. teaches an information generating method, comprising a control information embedding process of embedding permission control information to recording information (column 3, lines 1-8), the permission control information being embedded in video information as watermarks (column 2, lines 39-50). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of

Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 8, Matsumoto et al. teaches an information reproducing method for reproducing recording information outputted with addition of permission control information and copy restriction information (column 3, lines 18-34 and column 4, lines 36-40, respectively), the copy restriction information restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40), the recording information including unit copy restriction information for each unit of predetermined information, the method, comprising: a first extracting process of extracting the unit copy restriction information from the recording information (column 3, lines 64-67), a second extracting process of extracting the copy restriction information from the recording information (column 3, lines 60-64 and column 4, lines 36-40), a detecting process of detecting whether or not contents of the extracted unit copy restriction information and contents of the copy restriction information coincide with each other (explained in column 4, lines 1-6), and a reproduction control process of prohibiting reproduction of the recording information when the contents of the extracted unit copy restriction information and the contents of the extracted copy restriction information do not coincide with each other (explained in column 4, lines 1-6). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura

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et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 9, Matsumoto et al. teaches an information reproducing method for reproducing recording information outputted with addition of permission control information and copy restriction information (column 3, lines 18-34 and column 4, lines 36-40, respectively), the permission control information including correlation information having a correlation for preventing tampering (inherent to copy prevention methods), the copy restriction information including the correlation information and restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62), the method, comprising: first extracting process of extracting the permission control information from the recording information (done by the "output control device" as explained in column 3, lines 64-67), second extracting process of extracting the copy restriction information from the recording information (done by "electronic watermark information judging device" as explained in column 3, lines 60-64 and column 4, lines 36-40), a detecting process of detecting presence or absence of tampering based on the correlation information included in the extracted permission control information and the extracted copy restriction information (done by element 43 of figure 4 and explained in column 4, lines 1-6), and a reproduction control process of prohibiting reproduction of the recording information when tampering is detected by the detecting process (done by element 43 of figure 4 and explained in column 4, lines 1-6). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of

copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 10, Matsumoto et al. teaches a computer readable medium encoded with a computer program (inherent to the method) representing a sequence of instructions, which sequence of instructions is executed by a generating computer included in the information generating apparatus, the instructions cause the computer to function as a control information embedding device for embedding permission control information to recording information (column 2, lines 39-43). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 11, Matsumoto et al. teaches a computer readable medium encoded with a computer program (inherent to the method) representing a sequence of instructions, which when the program is executed by a reproducing computer, the instructions cause the computer to function as: first extracting device for extracting unit copy restriction information from recording information (column 3, lines 64-67), second extracting device for extracting copy restriction information from the recording information (column 3, lines 60-64 and column 4, lines 36-40), a detecting device for detecting whether or not contents of the extracted unit copy restriction information and contents of the extracted copy restriction information coincide

with each other (explained in column 4, lines 1-6), and a reproduction control device for prohibiting reproduction of the recording information when the contents of the extracted unit copy restriction information and the contents of the copy restriction information do not coincide with each other (explained in column 4, lines 1-6), the reproducing computer being included in an information reproducing apparatus for reproducing the recording information outputted with addition of the permission control information and the copy restriction information (column 2, lines 39-43 and column 4, lines 36-40, respectively), the permission control information controlling at least one of recording or reproduction of the recording information including unit copy restriction information for each unit ("portion") of predetermined information constituting the recording information (column 2, lines 39-50), the copy restriction information restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 12, Matsumoto et al. teaches a computer readable medium encoded with a computer program (inherent to the method) representing a sequence of instructions, which when the program is executed by a reproducing computer, the instructions cause the computer to function as: first extracting device for extracting permission control information from recording information (column 3, lines 64-67), second extracting device for extracting

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copy restriction information from the recording information (column 3, lines 60-64 and column 4, lines 36-40), a detecting device for detecting presence or absence of tampering based on correlation information included in the extracted permission control information and the extracted copy restriction information (column 4, lines 1-6), and a reproduction control device for prohibiting reproduction of the recording information when tampering is detected by the detecting device (column 4, lines 1-6), the reproducing computer being included in an information reproducing apparatus for reproducing the recording information outputted with addition of the permission control information and the copy restriction information (column 2, lines 39-43 and column 4, lines 36-40, respectively), the permission control information including correlation information having a correlation for preventing tampering, the copy restriction information including the correlation information and restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 13, Matsumoto et al. teaches an information recording medium in which a program (inherent to the method) for an information generating is recorded so as to be readable by a computer included in an information generating apparatus, wherein the program causes the computer to function as a control information embedding device for embedding

permission control information to recording information (column 2, lines 39-43). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 14, Matsumoto et al. teaches an information recording medium in which a program (inherent to the method) for an information reproduction is recorded so as to be readable by a computer, wherein the program causes the computer to function as: first extracting device for extracting unit copy restriction information from recording information (column 3, lines 64-67), second extracting device for extracting copy restriction information from the recording information (column 3, lines 60-64 and column 4, lines 36-40), a detecting device for detecting whether or not contents of the extracted unit copy restriction information and contents of the extracted copy restriction information coincide with each other (explained in column 4, lines 1-6), and a reproduction control device for prohibiting reproduction of the recording information when the contents of the extracted unit copy restriction information and the contents of the copy restriction information do not coincide with each other (explained in column 4, lines 1-6), the reproducing computer being included in an information reproducing apparatus for reproducing the recording information outputted with addition of the permission control information and the copy restriction information (column 2, lines 39-43 and column 4, lines 36-40, respectively), the permission control information controlling at least one of

recording or reproduction of the recording information including unit copy restriction information for each unit of predetermined information constituting the recording information (column 2, lines 39-50), the copy restriction information restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 15, Matsumoto et al. teaches an information recording medium in which a program (inherent to the method) for an information reproduction is recorded so as to be readable by a computer, wherein the program causes the computer to function as: first extracting device for extracting permission control information from recording information (column 3, lines 64-67), second extracting device for extracting copy restriction information from the recording information (column 3, lines 60-64 and column 4, lines 36-40), a detecting device for detecting presence or absence of tampering based on correlation information included in the extracted permission control information and the extracted copy restriction information (column 4, lines 1-6), and a reproduction control device for prohibiting reproduction of the recording information when tampering is detected by the detecting device (column 4, lines 1-6), the reproducing computer being included in an information reproducing apparatus for reproducing the recording information outputted with addition of the permission control

information and the copy restriction information (column 2, lines 39-43 and column 4, lines 36-40, respectively), the permission control information including correlation information having a correlation for preventing tampering, the copy restriction information including the correlation information and restricting copy of the recording information after the recording information is recorded (column 2, lines 58-62 and column 4, lines 36-40). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 16, Matsumoto et al. teaches a recording medium (element 48 of figure 4) storing recording information and control information, the recording information serving as a target of at least one of recording and reproduction, the control information controlling one of the recording and reproduction using the recording information, the recording medium, comprising: a recording information recording region (column 2, lines 45-46) for recording the recording information with addition of the permission control information for controlling one of the recording and reproduction for each of predetermined regions (column 2, lines 39-41), and a control information recording region ("second portion") for recording the control information (column 2, lines 46-47 and column 4, lines 36-40). Matsumoto et al. does not but Ichimura et al. teaches the permission control information controlling at least one of recording and reproduction of the recording information for each of predetermined geographical regions of

the world (column 10, line 63 to column 11, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of copy restriction based on the geographical area as taught by Ichimura et al. into the system of Matsumoto et al. The motivation would be to prohibit reproduction in only specific areas (column 11, lines 1-3 of Ichimura et al.).

Regarding claim 17, Matsumoto et al. teaches the recording medium according to claim 16, wherein copy restriction information is further added to the recording information (column 3, lines 1-8 and column 4, lines 36-40), the copy restriction information restricting copy for each of the regions after the recording information is recorded (column 2, lines 58-62).

Regarding claim 18, Matsumoto et al. teaches the recording medium according to claim 17, wherein the permission control information and the copy restriction information include correlation information having a correlation for preventing tampering (column 3, lines 8-17).

Regarding claim 19, Matsumoto et al. teaches the recording medium according to claim 16, wherein the permission control information further includes period information for permitting at least one of recording and reproduction of the recording information (column 15, lines 1-15).

Regarding claim 20, Ichimura et al. teaches the information generating apparatus of claim 1, wherein, each of the predetermined geographical regions of the world corresponds to a different country (column 10, line 63 to column 11, line 6).

Regarding claim 21, Ichimura et al. teaches the recording medium of claim 16, wherein, each of the predetermined regions of the world is a different country (column 10, line 63 to column 11, line 6).

Response to Arguments

3. Applicant's arguments filed on 10/19/06 have been fully considered but they are not persuasive. Applicant contends that the patent is not related to the specific issue of preventing copying based on geographical region. Ichimura et al. is cited to teach this feature.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,700,989 discloses similar material.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

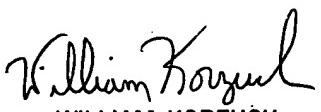
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG
12/6/06


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